

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JUSTIN SUN, TRON FOUNDATION LIMITED,  
BITTORRENT FOUNDATION LTD.,  
RAINBERRY, INC., AUSTIN MAHONE, and  
DEANDRE CORTEZ WAY,

Defendants.

Case No. 1:23-cv-02433

Hon. Edgardo Ramos

**TRON FOUNDATION LIMITED, BITTORRENT FOUNDATION LTD.,  
JUSTIN SUN, AND RAINBERRY, INC.'S  
NOTICE OF MOTION TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that Defendants Tron Foundation Limited, BitTorrent Foundation Ltd., Justin Sun, and Rainberry, Inc., on a date and at a time designated by the Court, before the Honorable Edgardo Ramos, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6), will move this Court for an Order dismissing the Complaint in its entirety and with prejudice, and granting such other and further relief as this Court may deem just and proper (the "Motion"). The Motion will be based upon Defendants' Memorandum of Law in Support of Motion to Dismiss the Complaint submitted concurrently herewith; the Declaration of Jennifer C. Bretan, dated March 28, 2024, and exhibits thereto; and upon all prior pleadings and records on file in this action.

Dated: March 28, 2024

Respectfully submitted,

FENWICK & WEST LLP

By: /s/ Jennifer C. Bretan

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